

12-29-03

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application f: Paul Swift
 Application No.: 09/1957,417 Group No.: 3682
 Filed: 10/10/2001 Examiner: Vinh Luong
 For: BICYCLE PEDAL THAT CAN FIT A MULTIPLICITY OF
 SHOE CLEATS

Assistant Commissioner for Patents
 Washington, D.C. 20231

TRANSMITTAL OF APPEAL BRIEF
 (PATENT APPLICATION—37 C.F.R. § 1.192)

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on November 4, 2003.

NOTE: "Appellant must, within two months from the date of the notice of appeal under § 1.191 or within the time allowed for reply to the action from which the appeal was taken, if such time is later, file a brief in triplicate. . . " 37 C.F.R. § 1.192(a) (emphasis added).

2. STATUS OF APPLICANT

This application is on behalf of

- other than a small entity.
 a small entity.

A statement:

- is attached.
 was already filed.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:

- | | |
|--|----------|
| <input checked="" type="checkbox"/> small entity | \$165.00 |
| <input type="checkbox"/> other than a small entity | \$300.00 |

Appeal Brief fee due \$ 165.00

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.10)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail No. EV 312729877 US

Date: December 24, 2003

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Signature

Thomas I. Rozsa

(type or print name of person certifying)

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Thomas I. Rozsa

Thomas I. Rozsa

(type or print name of person certifying)

(Transmittal of Appeal Brief [9-6.1]—page 1 of 3)

4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. § 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). See also Notice of November 5, 1985 (1060 O.G. 27).

NOTE: As the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. § 133, the period for filing an appeal brief may be extended up to seven months. 62 Fed. Reg. 53,131, at 53,156; 1203 O.G. 63, at 84 (Oct. 10, 1997).

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) Applicant petitions for an extension of time under 37 C.F.R. § 1.136
(fees: 37 C.F.R. § 1.17(a)(1)-(5)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00
<input type="checkbox"/> five months	\$ 1,850.00	\$ 925.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

or

- (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 165.00

Extension fee (if any) \$ _____

TOTAL FEE DUE \$ 165.00

6. FEE PAYMENT

Attached is a check in the sum of \$ 165.00

Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 18-2222.

AND/OR

If any additional fee for claims is required, charge
Account No. 18-2222

Thomas I. Rozsa 12/24/03

SIGNATURE OF PRACTITIONER

Thomas I. Rozsa
Rozsa & Chen LLP

(type or print name of practitioner)

Reg. No.: 29,210

15910 Ventura Blvd., Suite 1601

Tel. No.: (818) 783-0990

P.O. Address

Customer No.: 021907

Encino, CA 91436-2815